

Case 1:08-cv-02506-AJH Document 10 Filed 06/23/08

Index No. 08 CV 2506

IN RE WORLD TRADE CENTER DISASTER SITE LITIGATION  
TIM FLEMING and JENNIFER FLEMING

Plaintiff(s)

Against

AFFIDAVIT OF SERVICE

THE CITY OF NEW YORK, THE PORT AUTHORITY OF NEW YORK AND  
NEW JERSEY, et al.

Defendant(s) Respondent(s)

STATE OF NEW YORK, COUNTY OF QUEENS

JOHN BYANK, The undersigned, being sworn says: Deponent is not a party herein; is over 18 years and resides at:  
3 CRESCENT STREET, MASTIC, NY 11950

On 6-3-08 at 2:20PM at ONE RIVERFRONT PLAZA, NEWARK, NY

Deponent served the within: --- Summons with Notice --- Other

-X- Summons and Complaint --- Notice of Petition and Petition --- Order to Show Cause

--- Subpoena Duces Tecum --- Subpoena --- Subpoena of Non-Party Witness

On TULLY CONSTRUCTION CO, INC.

C/O PATTON BOGGS LLP

-X-Defendant ---Witness (herein after called the recipient)

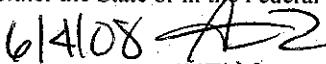
---Respondent

Individual By delivering a true copy of each to said recipient personally, deponent knew the person so served to be the person  
described as said recipient therein.

Corporation By delivering there a true copy of each to: TARA SAYBE (SENIOR PARALEGAL)

Agency/Entity personally, deponent knew said corporation so served to be the corporation, described in same as said respondent and  
-X- knew said individual to be Authorized Agent thereof who specifically stated SHE/HE was authorized to accept service.Suitable By delivering therat a true copy of each to: a person of suitable age  
Age Person and discretion authorized to accept service. Said premises is recipient's---actual place of business---dwelling place  
---usual place of abode within State.Affixing to By affixing a true copy of each to the door of said premises, which is recipient's ----actual place of business  
Door, etc. ---dwelling place---usual place of abode within the state. Deponent was unable, with due diligence, to find recipient  
or a person of suitable age and discretion, therat, having called there.Mailing to Deponent talked to: at said premises who stated that recipient----lived---worked there  
Residence within 20 days of such delivery or affixing. Deponent enclosed copy of same in a postpaid envelope properly addressed  
to recipient at recipient's last known residence at: and deposited said envelope in an official  
depository under care and custody of the U.S. Postal Service within New York State.Mailing to Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a First Class post paid envelope  
Business properly addressed to recipient's actual place of business at:  
in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.  
Envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof by return address or  
otherwise, that the communication was from an attorney or concerned an action against the recipient.Description --- Male -X-White Skin ---Black Hair ---White Hair ---14-20 yrs. ---Under 5' ---Under 100 lbs  
-X- Female ---Black Skin ---Brown Hair ---Balding ---21-35 ---5'5"3" ---100-130 lbs  
---Yellow Skin ---Blonde Hair ---Mustache ---X-36-50 ---5'4"-5'8" ---131-160 lbs  
---Brown Skin ---Gray Hair ---Beard ---51-65 ---5'9"-6' ---X-161-200 lbs  
---Red Skin ---Red Hair ---Glasses ---Over 65 yrs. ---Over 6' ---Over 200 lbs

Other identifying features:

Witness Fees \$ 15.00 the authorizing traveling expenses  
-X- and one day's witness fee: -X- was paid to the recipient  
--- was mailed to the witness with subpoena copyMilitary I asked the person spoken to whether recipient was in active military service of the U S or of the State of New York in  
Service any capacity whatsoever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform.  
-X- The source of my information and the grounds for my belief are the conversations and observation above narrated. Upon  
information and belief I have that the recipient is not in military service of NY State or of the United States as that term is  
defined in either the State or in the Federal statutes.Sworn to before me on 6/4/08 

ANNE LI

Notary Public, State of New York

No. 01LI6161335

Qualified in Queens County

Commission Expires 02/26/2011

JOHN BYANK - LICENSE NO. 1057987